

STATE OF LOUISIANA
SECRETARY OF STATE

10/09/09

LEGAL SERVICES SECTION
P.O. BOX 94125, BATON ROUGE, LA 70804-9125
(225) 922-0415

STATE FARM FIRE & CASUALTY COMPANY
STATE FARM INSURANCE COMPANIES
KEVIN BARRAS
2370 TOWNE CENTER BLVD.
BATON ROUGE, LA 70806

SUIT NO: 38683
2ND JUDICIAL DISTRICT COURT
PARISH OF CALIBORNE

FRANK TAYLOR, ET UX
VS
STATE FARM FIRE & CASUALTY COMPANY

LEGAL DOCUMENT ROUTING	
UNIT:	SZ
OFFICE:	
REP:	
CLAIM #:	18 A 265 688
STATE FARM INSURANCE COMPANIES	

Dear Sir/Madam:

I am enclosing citation served in regard to the above entitled proceeding. Please call the attorney that filed this document if you have any questions regarding this proceeding. If you received this document in error, please return it to the above address with a letter of explanation.

Yours very truly,

JAY DARDENNE
Secretary of State

Served on: JAY DARDENNE
Served by: J BROWN

Date: 10/08/09 at 3:00 PM
Title: DEPUTY SHERIFF

Received	Number	Date	Paid By	Amount
CHECK/M.O.	11684	10/02/09	COC PARISH CLAIBORNE	25.00

TG

RECEIVED BY
OCT 13 2009
BATON ROUGE
OPERATIONS CENTER

NO. 734890



Citation

FRANK TAYLOR, ET UX
Versus
STATE FARM FIRE & CASUALTY
COMPANY

Docket Number: C-38683
Claiborne Parish, Louisiana
Second Judicial District Court

To: STATE FARM FIRE & CASUALTY COMPANY
C/O LA. SECRETARY OF STATE
8549 UNITED PLAZA BLVD.
BATON ROUGE, LOUISIANA 70809

SERVED ON
JAY DARDENNE

OCT 08 2009

SECRETARY OF STATE
COMMERCIAL DIVISION

You are hereby cited to comply with the demand contained in the Petition, a certified copy of which accompanies this citation, or to file your answer or other pleading to said petition in the office of the Clerk of the Second Judicial District Court, in and for the Parish of Claiborne, which office is in the Town of Homer, said Parish and State, within fifteen (15) days after the service hereof. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

Witness the Honorable Judges of said Court, this Friday, October 02, 2009.

James Patrick Gladney, CLERK OF COURT

By: [Signature]

Clerk

These documents mean you have been sued. Legal assistance is advisable and you should contact a lawyer immediately.

DEPUTY CLERKS OF COURT ARE NOT PERMITTED TO GIVE LEGAL ADVICE.

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and resided in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED: PARISH OF _____ this _____ day of _____, 20____.

SERVICE \$ _____
MILEAGE \$ _____
TOTAL \$ _____

BY: _____
Deputy Sheriff

ORIGINAL - Return

Copy - Service

Copy - Clerk

Document Number: D86850

RECEIVED BY

OCT 13 2009

BATON ROUGE
OPERATIONS CENTER

FRANK TAYLOR AND DONNA TAYLOR : SECOND JUDICIAL DISTRICT COURT
VS. NO. 38685 : PARISH OF CLAIBORNE
STATE FARM FIRE & CASUALTY COMPANY : STATE OF LOUISIANA

FILED
OCT 16 2 2009
JAMES B. GLENN, CLERK
CLERK
CLAIBORNE PARISH, LA
PETITION

The petition of FRANK TAYLOR and DONNA TAYLOR, husband and wife, residents and domiciliaries of lawful age of the Parish of Claiborne, State of Louisiana, with respect, show and aver as follows:

1.

That STATE FARM FIRE & CASUALTY COMPANY, a foreign insurance corporation authorized to do and doing business within the State of Louisiana, is justly and truly indebted unto your petitioners in an amount sufficient to compensate petitioners for fire losses, bad faith breach of contract, mental anguish, penalties, attorney's fees and court costs for the following, to-wit:

2.

That defendant issued unto plaintiffs a homeowner's policy, #18-E8-2897-5.

3.

That on or about the 13th day of February, 2008, your petitioners sustained a fire loss at their residence located in Claiborne Parish, Louisiana.

4.

That the defendant undertook to perform under the terms of the policy and to pay all bills in connection with the damage and for some period of time did that.

5.

However, defendant has now breached, in bad faith, its contractual obligations herein by not performing as follows:

1. Failure to pay for the entire loss of contents;
2. Failure to pay additional living expenses, after paying same for 12 months;
3. Telling the contractor that they were not going to pay any additional living expenses;
4. Failure to have clothing satisfactorily cleaned;
5. Failure to pay all storage fees that were owed;
6. Failure to pay for furniture lost in the fire;
7. Making unfounded excuses for failure to perform;
8. Stating that the house was in such a condition that plaintiffs could live in it when obviously STATE FARM had not even looked at the house (at the time

there were no faucets nor commodes, the electricity was on but did not go out to the outlets, the bathtub was not in place, the showers had not been completed and you could not even take a shower);

9. Blaming plaintiffs for the delay in the repair of the house;
10. Failure to replace damaged windows;
11. Failing to complete 116 can lights in the residence;
12. Failing to have the painting and ceramic tile completed;
13. Failing to get the smell of smoke out of the house and contents;
14. Failing to pay a bill from Riley Glass;
15. Failure to pay Triple D Construction estimate;
16. Failing to have cabinets re-taped that were damaged by the fire;
17. Telling the contractor that STATE FARM was not going to pay anything else in connection with the old bathroom;
18. Failing to pay bill from Melanie Johnson in the amount of \$820.84.

6.

That after plaintiffs complained to undersigned counsel, STATE FARM turned this matter over to its attorney and is investigating plaintiffs for fraud, to try to avoid their responsibility.

7.

That defendant has, in bad faith, breached its contractual obligations herein.

8.

That it has been necessary for plaintiffs to employ an attorney and to obligate themselves for attorney's fees.

9.

That the violations herein by STATE FARM are violations of the insurance code of the State of Louisiana thus an award of penalties is mandated by the insurance code.

10.

That Interrogatories and Request for Production of Documents is attached hereto and made a part hereof.

11.

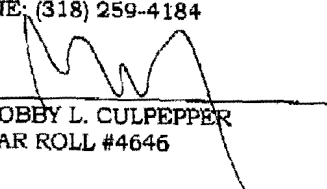
That amicable demand has been made without avail.

WHEREFORE, petitioners pray that the foregoing petition be filed; that the defendant be served with a copy of same and cited to appear and answer same and that, after all legal delays and due proceedings be had, there be judgment herein in favor of plaintiffs, FRANK TAYLOR and DONNA TAYLOR, and against the defendant, STATE FARM FIRE & CASUALTY COMPANY, in an amount sufficient to

compensate plaintiffs for fire losses, bad faith breach of contract, mental anguish, penalties, attorney's fees and court costs, together with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings.

FURTHER PRAYS for all necessary orders and decrees and for just and equitable relief.

CULPEPPER & CARROLL, PLLC
ATTORNEYS AT LAW
525 EAST COURT AVENUE
JONESBORO, LOUISIANA 71251
PHONE: (318) 259-4184

BY: 
BOBBY L. CULPEPPER
BAR ROLL #4646

PLEASE SERVE DEFENDANT:

STATE FARM FIRE & CASUALTY COMPANY
THROUGH THE SECRETARY OF STATE
8549 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA 70809

FRANK TAYLOR AND DONNA TAYLOR : SECOND JUDICIAL DISTRICT COURT
VS. NO. 38683 : PARISH OF CLAIBORNE
STATE FARM FIRE & CASUALTY
COMPANY : STATE OF LOUISIANA

INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: STATE FARM FIRE & CASUALTY COMPANY
THROUGH ITS ATTORNEY OF RECORD
MR. CHARLES TUTT
ATTORNEY AT LAW
920 PIERREMONT ROAD, SUITE 308
SHREVEPORT, LOUISIANA 71106

FILED
OCT 02 2009
JAMES PATRICK GLADNEY
DEPUTY CLERK
CLAIBORNE PARISH, LA

NOW COME plaintiffs, FRANK TAYLOR and DONNA TAYLOR, who propound the following Interrogatories and Request for Production of Documents to defendant, STATE FARM FIRE & CASUALTY COMPANY, to be answered separately, fully, completely, in writing, and under oath, within the delays allowed by law, in accordance with the *Louisiana Code of Civil Procedure*. These Interrogatories and Request for Production of Documents are deemed to be continuing and plaintiffs request defendant to amend and supplement its answers thereto from time to time as may be required, pursuant to *Louisiana Code of Civil Procedure*.

INTERROGATORY NO. 1:

Please identify by name, address and telephone number every person, other than an expert, within your knowledge, who has or claims to have knowledge or information regarding any facts, circumstances or issues involved in this litigation.

INTERROGATORY NO. 2:

Please identify by name, profession or occupation, address and telephone number each and every expert witness contacted by you, your agents or representatives, or your attorney, concerning the incident which forms the basis of this lawsuit. For each such person listed, please provide the subject matter on which the expert was contacted and the substance of the facts and opinions held by each such expert.

INTERROGATORY NO. 3:

Please identify each person whom you intend to use as an expert witness herein and with regard to each such expert please state:

- (a) the name, profession or occupation of each such expert;

- (b) the subject matter on which each such expert would be expected to testify;
- (c) the substance of the facts and opinions to which such expert would be expected to testify;
- (d) a summary of the grounds for each opinion of such expert; and
- (e) a complete biography of the books, treatises, articles, or other works, which such expert regards as authoritative on the subject which that expert may testify or offer an opinion, along with the curriculum vitae of each such expert.

INTERROGATORY NO. 4:

Please identify by name, address and telephone number, all persons from whom a statement was obtained regarding any facts or circumstances involved in this litigation, indicating the name and address of the person who took the statement, the substance of each statement, and the present custodian of each such statement.

INTERROGATORY NO. 5:

Please identify by name, address and telephone number any and all witnesses you may or will call at the trial of this matter. With respect to each such witness, please provide a brief summary of the expected testimony of each such witness.

INTERROGATORY NO. 6:

Please list and describe any and all exhibits which you will or may introduce at the trial in this matter whether for impeachment purposes or otherwise, giving the location of each such document or exhibit and the person having possession and/or control over each such document or exhibit.

INTERROGATORY NO. 7:

Please state whether any photographs (still or video) were taken of the scene by you or by anyone acting on your behalf, and, if so, state the date on which the photographs (still or video) were taken, the name and address of the person who took the photographs (still or video) and the name and address of the person who has custody and/or control over said photographs (still or video).

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NUMBER 1:

Please produce copies of any and all exhibits which you will or may introduce at the trial of this matter.

REQUEST FOR PRODUCTION NUMBER 2:

Please produce copies of any and all statements made by you, or any other person relating to any issue involved in this action.

REQUEST FOR PRODUCTION NUMBER 3:

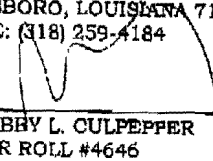
Please produce copies of any and all expert reports related to any issue involved in these proceedings.

REQUEST FOR PRODUCTION NUMBER 4:

Please produce duplicates or color laser prints of any and all photographs (still or video) relating to the subject matter of this lawsuit. (Plaintiffs will reimburse the costs associated with obtaining color laser copies).

RESPECTFULLY SUBMITTED,

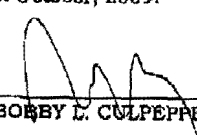
CULPEPPER & CARROLL, PLLC
ATTORNEYS AT LAW
525 EAST COURT AVENUE
JONESBORO, LOUISIANA 71251
PHONE: (318) 259-4184

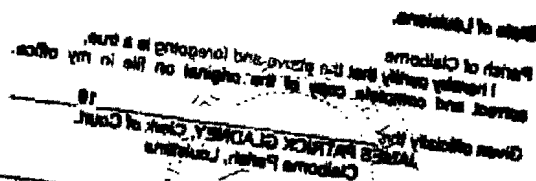
BY: 
BOBBY L. CULPEPPER
BAR ROLL #4646

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been mailed, this date, in the United States mail, postage prepaid, to Mr. Charles Tutt, Tutt, Stroud & McKay, Attorneys at Law, 920 Pierremont Road, Suite 308, Shreveport, Louisiana, 71106.

Jonesboro, Louisiana, this the 15th day of October, 2009.


BOBBY L. CULPEPPER


JAMES PATRICK GLADNEY, Notary Public, State of Louisiana
Given publicly for the purpose of this certificate on the 15th day of October, 2009, at Jonesboro, Louisiana.
Notary Seal: State of Louisiana, James Patrick Gladney, Notary Public, Commission Expires 10/15/2011

CULPEPPER & CARROLL, PLLC
ATTORNEYS AT LAW
525 EAST COURT AVENUE
JONESBORO, LOUISIANA 71251-3437

BOBBY L. CULPEPPER

318/259-4184

209 EAST ALABAMA

J. CLAY CARROLL

Fax: 318/259-6278

RUSTON, LA 71270

email: attorneys@culpepper-carroll.com

318/251-0701

Federal tax ID# 37-1452471

PLEASE REFER ALL CORRESPONDENCE AND PHONE CALLS TO THE JONESBORO OFFICE

File # 08-24,882X

October 19, 2009

VIA FACSIMILE #318/221-8811

Mr. Marshall R. Pearce
Attorney at Law

Re: **Frank and Donna Taylor vs. State Farm Fire & Casualty Co.**
No. 38,683 - Claiborne Parish

Dear Marshall:

I talked with my clients and they feel that the overall money amount of their claim will run in excess of \$75,000.00. I told you that I would let you know.

With kindest personal regards, we remain

Yours very truly,

BOBBY L. CULPEPPER

BLC:sf

cc: Mr. and Mrs. Frank Taylor, via fax #318/927-2956